

Hand-Delivered

FILED
ASHEVILLE, N.C.

OCT 03 2018

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

1	UNITED STATES OF AMERICA)	DOCKET NO. 1:18CR92
2)	
3)	
4	vs.)	Declaration of James Edward MacAlpine,
5)	Appointment of Fiduciary,
6	JAMES E. MACALPINE,)	Directive to Fiduciary,
7	Defendant)	Affidavit of Fact.
8)	
9)	File for Record
10)	

Declaration of James Edward MacAlpine,

Expression of a Trust,

Appointment of Trustee/Fiduciary,

Directive to Trustee/Fiduciary

COMES NOW, James Edward MacAlpine, a living, breathing sentient being, Man,
without assistance of counsel, not the defendant, not a trustee for the constructive trust JAMES
E. MACALPINE, with a Declaration of Facts, Appointment of a Fiduciary for an Express
Trust, and a Directive to the appointed Fiduciary.

Definition:

Constructive Trust - A Constructive Trust is set up by a court, at the request of the
Plaintiff, as an "equitable remedy." An equitable remedy is something done by the discretion of
the court and not in accordance with a statute. It can be considered to be a fraudulent action as
the party held liable for the claim under the trust is never informed of its creation or his duties
under the Constructive Trust.

Declaration

1 James Edward MacAlpine hereby and herewith declares on and for the Record that R.
2 Andrew Murray, United States Attorney for the Western District of North Carolina, together
3 with this Court has entered into an artifice or scheme of fraud. The result of this artifice or
4 scheme of fraud, which is a commercial operation, is the constructive trust JAMES E.
5 MACALPINE. Through conclusive presumption, the Man, James E. MacAlpine, is presumed
6 to be and is being treated as the Trustee for this constructive trust. The Man, James E.
7 MacAlpine, has never been informed of this, nor has he been asked for his consent to function
8 as Trustee for the constructive trust JAMES E. MACALPINE.

9
10 James Edward MacAlpine declares that unless and until someone proves the contrary, this
11 court must recognize that JAMES E. MACALPINE is a constructive trust created by
12 R. Andrew Murray and this Court, for the purpose of executing the instant action
13 NO. 1:18CR92 against the Man, James Edward MacAlpine. The Man, James Edward
14 MacAlpine, declares on and for the Record that he does **NOT** consent to be the Trustee for the
15 constructive trust JAMES E. MACALPINE, and he can not be compelled to act as Trustee for
16 it. To force James Edward MacAlpine, the Man, to function as the Trustee for the constructive
17 trust JAMES E. MACALPINE would be an act of peonage and involuntary servitude which is a
18 direct violation of Article XIII of the Bill of Rights of the Constitution for the United States of
19 America. This Court is directed to review the decision of the Supreme Court of the United
20 States in the case United States v. Kozminski, 487 US 931, to see how that Court construes
21 involuntary servitude. It clearly would apply here, if this Court chooses to compel the Man,
22 James E. MacAlpine, to function as Trustee.

23 James Edward MacAlpine hereby and herewith expresses on and for the Record the
24 constructive trust JAMES E. MACALPINE is now converted into an Express Trust JAMES E.
25 MACALPINE and declares that the Man, James Edward MacAlpine, is the Trustor and the sole
26 beneficiary of JAMES E. MACALPINE, now an Express Trust.

27
28 By authority vested in the Trustor and the Beneficiary, James Edward MacAlpine, the
29 Man, does now hereby and herewith appoint and subrogate R. Andrew Murray, United States

30 Declaration & Appointment

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1 Attorney, as Trustee/Fiduciary for the Express Trust JAMES E. MACALPINE. Annexed
2 hereto as ANNEX A and fully filled out, is the FORM 56 which the appointed Trustee,
3 R. Andrew Murray, acting as Fiduciary, is obligated to sign.

4
5 James Edward MacAlpine hereby and herewith directs the Trustee/Fiduciary, R. Andrew
6 Murray, to discharge all charges levied against JAMES E. MACALPINE under Bill of
7 Indictment filed with this Court on August 8, 2018. Should the Trustee/Fiduciary, R. Andrew
8 Murray, fail to comply with the directive of the Beneficiary, he will be guilty of breach of
9 fiduciary duty, which will strip him of all presumed immunity from civil suit.

10 Furthermore, there is an appearance having been made, that R. Andrew Murray may have
11 conspired with others to violate 18 USC 472 in the matter of the instant action NO. 1:18CR92.

12
13 **Affidavit of Facts**

14 State of North Carolina)
15) ss. ***TO ALL TO WHOM THESE PRESENTS SHALL COME***
16 county of Buncombe)

17
18 I, the Affiant, who goes by the appellation, James Edward MacAlpine, a living,
19 breathing flesh-and-blood man, a Free Man standing as a Free Inhabitant on Buncombe the
20 county, North Carolina the land, non-territorial to the United States and therefore without the
21 United States, being of sound mind, and over the age of twenty-one, reserving all rights,
22 being unschooled in law, and who has no BAR attorney, is without an attorney in the instant
23 action NO. 1:18CR92, and having never been re-presented by an attorney, and not waiving
24 assistance of counsel, knowingly and willingly Declares and Duly affirms, in accordance with
25 laws in and for the State of North Carolina, 1789, in good faith, with no intention of delaying,
26 nor obstructing, and with full intent for preserving and promoting the public confidence in the
27 integrity and impartiality of the government and the judiciary, that the following statements
28 and facts, are true and correct of Affiant's own first-hand knowledge, understanding, and
29 belief, do solemnly declare, and depose and say:

30 Declaration & Appointment

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1. That I, James Edward MacAlpine, declare that I am competent to state to the matters set forth herein; and
2. That I, James Edward MacAlpine, declare that I have personal knowledge of the facts stated herein; and
3. That I, James Edward MacAlpine, declare that all the facts stated herein are true, correct, and certain, admissible as evidence, and if called upon as a witness I will testify to their veracity; and
4. That I, James Edward MacAlpine, declare that I am not now, nor have I been in the past 10 years, a federal employee or federal personnel; and
5. That I, James Edward MacAlpine, declare that I do not now have, nor have I ever had a Social Security number/account; and
6. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or other material facts that, JAMES E. MACALPINE, is not an artificial entity/legal person separate and apart from the living being, James Edward MacAlpine, and I believe that no contrary evidence exists; and
7. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or other material facts that, JAMES E. MACALPINE, is not the name of a constructive trust created by this court, the UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA, ASHEVILLE DIVISION, and I believe that no contrary evidence exists; and
8. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or other material facts that I, James Edward MacAlpine, am not being held to the duties of trustee for the constructive trust JAMES E. MACALPINE, and I believe that no contrary evidence exists; and

- 1 9. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or
2 other material facts that I, James Edward MacAlpine, have ever been informed of
3 having any legal duties or obligations in relation to the constructive trust JAMES E.
4 MACALPINE, and I believe that no contrary evidence exists; and
- 5 10. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or
6 other material facts that this Court is not working a fraud against the Man, James
7 Edward MacAlpine, by holding him liable for charges against the constructive trust
8 JAMES E. MACALPINE, and I believe that no contrary evidence exists; and
- 9 11. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or
10 other material facts that, the term "person" as used by this court for *in personam*
11 jurisdiction is not as that word is defined in Executive Order 6260: "artificial person,
12 partnership, association, or corporation", and I believe that no contrary evidence exists;
13 and
- 14 12. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or
15 other material facts that the UNITED STATES DISTRICT COURT FOR THE
16 WESTERN DISTRICT OF NORTH CAROLINA, ASHEVILLE DIVISION, or any/all
17 aliases of this name, is not without *in personam* jurisdiction, in the instant action
18 NO. 1:18CR92, over James Edward MacAlpine, one of the People of North Carolina,
19 and I believe that no contrary evidence exists; and
- 20 13. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or
21 other material facts that this Court did not create the constructive trust JAMES E.
22 MACALPINE for the sole purpose of alleging without *in personam* jurisdiction over
23 James Edward MacAlpine, one of the People of North Carolina, and I believe that no
24 contrary evidence exists; and
- 25 14. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or
26 other material facts that the UNITED STATES DISTRICT COURT FOR THE
27 WESTERN DISTRICT OF NORTH CAROLINA, ASHEVILLE DIVISION, or any/all
28
29
30

1 aliases of this name, has the ability to obtain jurisdiction over one of the People of
2 North Carolina and the property of one of the People of North Carolina, and I believe
3 that no contrary evidence exists; and

4 15. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or
5 other material facts that the UNITED STATES DISTRICT COURT FOR THE
6 WESTERN DISTRICT OF NORTH CAROLINA, ASHEVILLE DIVISION, or any/all
7 aliases of this name, has not attempted to trick, James Edward MacAlpine, into
8 consenting to act as defendant, standing in as trustee for, JAMES E. MACALPINE, in
9 the instant action NO. 1:18CR92 thru service of process on the living being, James
10 Edward MacAlpine, and I believe that no contrary evidence exists; and

11 16. That I, James Edward MacAlpine, declare that I am not in receipt of any evidence or
12 other material facts that R. Andrew Murray has not conspired with others to violate 18
13 USC 472 in the matter of the instant action NO. 1:18CR92, and I believe that no
14 contrary evidence exists.
15

16 FURTHER AFFIANT SAITH NOT.

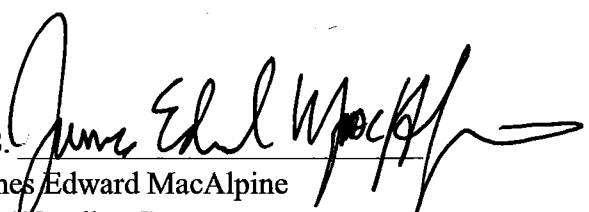
17 I declare under the penalty of bearing false witness before Nature's God and Men as
18 recognized under the laws in and for North Carolina, the Laws of the United States of America
19 and the Law of Nations, acting with sincere intent and full standing in law, do herewith certify
20 and state that the foregoing contents are true, correct, complete, certain, admissible as evidence,
21 and not intended to mislead anyone, and that James Edward MacAlpine executes this draft in
22 accordance with James Edward MacAlpine's best knowledge and understanding without
23 dishonor, without recourse; with All rights reserved, sans prejudice.
24

25 As done this Third day of October in the year 2018, under penalty of perjury under the
26 laws of the United States of America.

27
28 Duly sworn this Third day of October, 2018:
29

30 Declaration & Appointment

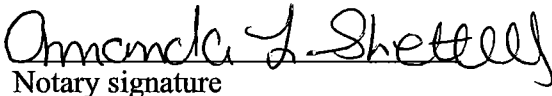
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L.S. 
James Edward MacAlpine
603 Woodlea Court
Asheville, North Carolina

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) **JURAT**

Before me the undersigned, a Notary acting within and for the County of Buncombe and State of North Carolina on this 3 day of October, 2018, personally appeared and known to me - OR - proved to me on the basis of satisfactory evidence to be the person whose names is subscribed to the within instrument, to be the identical Man, James Edward MacAlpine, who being duly sworn, declared the above to be true, correct, and not meant to mis-lead, to the best of his firsthand knowledge, understanding, and belief, by his free will and voluntary act and deed by his signature on the foregoing document, executed the within instrument.

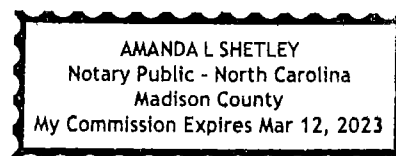
Given under my hand and seal this 3 day of October, 2018.


Notary signature

Seal

Amanda L Shetley
Printed Notary name

My commission expires 3/12/23



VERIFICATION

I, James Edward MacAlpine, a North Carolina State Citizen and one of the People of North Carolina, makes this Verification based on personal knowledge of matters set forth herein and appearing without waiving any rights or remedies, being competent in mind and body to testify, do hereby declare, verify and affirm that the

Declaration & Appointment

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1 facts stated herein are true, correct, and complete in all material fact, not
2 misrepresented based on my own knowledge to the best of my current information,
3 knowledge and belief under the penalty of perjury of the laws of the United States of
4 America and the laws of North Carolina, and is admissible as evidence in a court of
5 law or equity, except as to those matters that are therein made upon information and
6 belief, and as to those claims or facts, I believe them to be true and admissible as
7 evidence, and if called upon as a witness, I will testify as to the veracity of my
8 statements.

9 Entered this Third day of October, 2018.

10 L.S. James Edward MacAlpine
11 James Edward MacAlpine
12 One of the People of the body
13 politic the State of North Carolina

14 **Certification of Service**

15
16 This is to certify that a copy of Declaration of James Edward MacAlpine, Expression of a
17 Trust, Appointment of Trustee/Fiduciary, Directive to Trustee/Fiduciary has been mailed
18 by pre-paid USPS First Class Certified Mail bearing the following number

19 7017 0660 0000 7339 3196 on October 3, 2018 by James Edward MacAlpine to
20 Plaintiff's U.S. Attorney,:

21 R. Andrew Murray
22 Office of the U.S. Attorney — WDNC
23 233 U.S. Courthouse Bldg.
24 100 Otis St.
25 Asheville, NC 28801

26 By: James Edward MacAlpine
27 James Edward MacAlpine
28
29
30